

KNOW YOUR RIGHTS:



IEP's & COVID-19

Children ages 3 - 21 years who have a disability that impacts their ability to learn in school are entitled to special education services under the IDEA (Individuals with Disabilities Education Act), also known as Article 7 in Indiana.

But, the IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which schools are closed for an extended period of time due to exceptional circumstances, such as a virus outbreak - so what are your rights?

Special Education Rights



Right to Participate

Every parent has the right to participate in all decision-making meetings held in order to develop or change an IEP for their child.



Right to Mediation

If a disagreement arises, parents are free to seek voluntary and impartial mediation to help find a mutually agreed-upon solution regarding the child's IEP.



Right to Written Notice

Parents have the right to provide an informed, written consent for the special education IEP before the assessment process or the provision of special education and related services. This consent is also required before any changes are made to an IEP currently in place.



Right to Request a Hearing

Should there be any complaints concerning the provision of a Free and Appropriate Public Education (FAPE) to their child, parents have the right to a hearing. Parents choose whether or not the hearing is public, and may request that an advocate, attorney, or their child be present.



Right to Keep Current Placement

Parents have the right to disagree with any proposals presented to change their child's placement. When a disagreement surfaces, the child should remain in their current program until resolved.



Right to Access

Any parent who has a child enrolled in special education and possesses an IEP has the right to inspect, evaluate, and request copies of educational and disciplinary records.

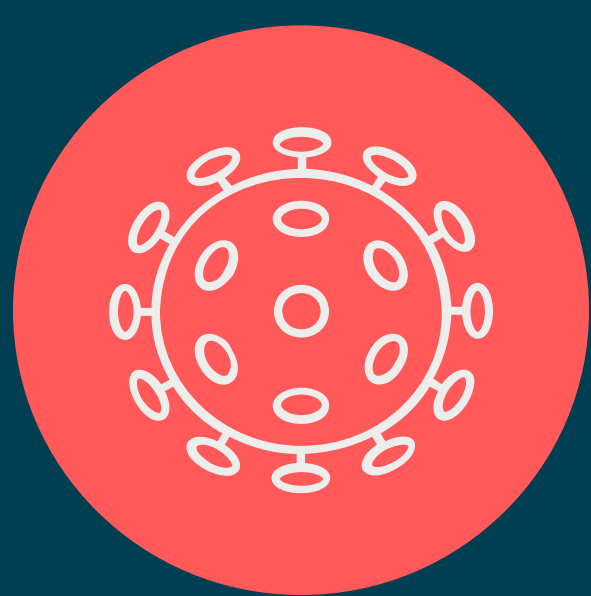
Your Child's Rights

Once your child has been confirmed with a qualifying disability, their school is required to provide them with special education and related services (like speech therapy, audiology, and counseling) to meet their unique needs.

Your child may be eligible for compensatory services due to a lapse in related services during this time.



So, what does that mean for COVID-19?



School has closed to slow or stop the spread of COVID-19...

As long as your school continues to provide educational opportunities (like eLearning) to the general student population, the school is required to ensure that students with disabilities also have equal access to the same opportunities.

Decision makers must ensure...

To the greatest extent possible, state and local education agencies and schools must ensure that each student with a disability can be provided the special education and related services identified in the students IEP developed under IDEA, or a plan developed under Section 504.



If a child does not receive services during a closure...

A child's IEP team must make an individualized determination whether and to what extent compensatory services may be needed. For example, if your child has been receiving speech and language services, they are still eligible to the same amount of intervention.

How can we help?

Hear Indiana provides free IEP support services. If you have questions or concerns that your child's needs are not being met, call us at 317 828 0211. Leave us a message letting us know you need more IEP support and we'll get you connected to the right person on our team.



Source: [Wrightslaw](https://www.wrightslaw.com/)